

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAEUGENIO ANDINO-HERNANDEZ, #NE-6500

Full Name of Plaintiff Inmate Number

v.

FACILITY MANAGER, MS. MASON

Name of Defendant 1 SCI-MAHANoy PRISON

DEPUTY WHITE, SCI-MAHANoy PRISON

Name of Defendant 2

DEPUTY STETLER, SCI-MAHANoy

Name of Defendant 3

WELL[-]PASS, MEDICAL COMPANY FOR PA.
PRISON(S) & CORRECT CARE SOLUTION(S)

Name of Defendant 4

MEDICAL ADMIN., JOHN STEINHART

Name of Defendant 5

(Print the names of all defendants. If the names of all
defendants do not fit in this space, you may attach
additional pages. Do not include addresses in this
section). SEE: [ATTACHED, Pg. #1(A) FOR
CONTINUED DEFENDANT(S)]-

FILED: _____

Civil No. 3:21-CV-1570

(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial☐ No Jury Trial DemandCOMPLAINT FOR MONETARY DAMAGES
& DECLARATORY AND INJUNCTIVE
RELIEFFILED
SCRANTON

SEP 13 2021

Per. _____

DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

CONTINUATION OF PAGE #1 FOR DEFENDANT[S]

C/O J.J. MARTIN	:
C/O TORRES,	:
LT. MATREY,	:
SGT. BURGER,	:
C/O GAVALA,	:
C/O DERR,	:
NURSE JACKIE,	:
LT. TAYLOR,	:
NURSE ALICIA,	:
DR. CARNEY ROGERS,	:
DR. BADDICK,	:
PA. JENNA WILLIAMS,	:
PA. O'BRIAN,	:
Et. Al.,	:
DEFENDANT[S]	:

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Hernandez, Eugenio, Andino,

Name (Last, First, MI)
#NE-6500

Inmate Number
SCI-MaHanoy, State Prison

Place of Confinement
301 Morea Road

Address
Frackville, Pennsylvania 17932

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Facility Manager at, SCI-MaHanoy, Ms. Mason (do not know her first name)

Name (Last, First)
Facility/Superintendent Manager for, SCI-MaHanoy State Prison

Current Job Title
301 Morea Road, Frackville

Current Work Address
Frackville, Pennsylvania 17932

City, County, State, Zip Code

Defendant 2:

Deputy Manager at, SCI-MaHanoy, Ms. White (Do not know her first name).

Name (Last, First)

Deputy Facility Manager for, SCI-MaHanoy State Prison.

Current Job Title

301 Morea Road

Current Work Address

Frackville, Pa. 17932

City, County, State, Zip Code

Defendant 3:

Deputy Manager at, SCI-MaHanoy, Mr. Stetler (Do not know his first name).

Name (Last, First)

Deputy Facility Manager for, SCI-MaHanoy State Prison.

Current Job Title

301 Morea Road

Current Work Address

Frackville, Pennsylvania 17932.

City, County, State, Zip Code

Defendant 4:

Well-Pass Medical Company for, Pennsylvania State Prison's.

Name (Last, First)

Company sub-contracted by the D.O.C.'s for Pennsylvania State Prison's.

Current Job Title

33 Irving Place, Suite #4006

Current Work Address

New York, NY. 10003

City, County, State, Zip Code

Defendant 5:

Medical Administrator for, SCI-MaHanoy, Mr. John Steinhart

Name (Last, First)

SCI-MaHanoy's Medical Administrator

Current Job Title

301 Morea Road

Current Work Address

Frackville, Pa. 17932

City, County, State, Zip Code

CONTINUATION OF PAGE #3 FOR DEFENDANT(S)
PAGE #3(A)

Defendant #6:

Correctional Officer for the R.H.U. at, SCI-MaHanoy, C/O, J.J. Martin

Current Job Title

Correctional Officer at, SCI-MaHanoy State Prison in the R.H.U.

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #7:

Correctional Officer for the R.H.U. at, SCI-MaHanoy, C/O, Torres

Current Job Title

Correctional Officer at, SCI-MaHanoy State Prison in the R.H.U.

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #8:

Lt. Matrey for the R.H.U. at, SCI-MaHanoy State Prison

Current Job Title

Lt. in the Restricted Housing Unit, ["R.H.U."] at, SCI-MaHanoy State Prison

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #9:

Sgt. Burger for the R.H.U. at, SCI-MaHanoy State Prison

Current Job Title

A Sgt. in the R.H.U. at, SCI-MaHanoy State Prison

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #10:

Correctional Officer at, SCI-MaHanoy State Prison, C/O Gavala

Current Job Title

Correctional Officer in the R.H.U. at, SCI-MaHanoy State Prison

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #11:

Correctional Officer at, SCI-MaHanoyt State Prison, C/O Derr

CONTINUATION OF DEFENDANT(S) ON, PAGE #3(B)

Current Job Title

Correctional Officer for the R.H.U. at, SCI-MaHanoy State Prison

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #12:

Nurse Ms. Jackie, employed at, SCI-MaHanoy State Prison sub-contracted by Well-Pass.

Current Job Title

A Nurse at, Sci MaHanoy State Prison, Employeed by, Well-Pass

Current Work Address

301 Morea Road, Frackville, Pa. 17932

Defendant #13:

Lt. Taylor, a Lt. in the Restrictive Housing Unit at, SCI-MaHanoy State Prison.

Current Job Title

A Lt. in the R.H.U. at, SCI-MaHanoy State Prison

Current Work Address

301 Morea Road Morea Road, Frackville, Pa. 17932

Defendant #14:

Nurse Alicia at, SCI-MaHanoy State Prison, employeed by, Well-Pass

Current Address

301 Morea Road, Frackville, Pa. 17932

Defendant #15:

Dr. Carney Rogers at, SCI-MaHanoy State Prison, Employeed by Well-Pass

Current Job Title

Was a doctor sub-contracted by Well-Pass at, SCi-MaHanoy, ["Dr. Rogers is no longer here at, SCI-MaHanoy.

Current Address

["Unknown"], however, was: 301 Morea Road, Frackville, Pa. 17932

CONTINUATION OF DEFENDANT(S) FROM PAGE #3(B)
PAGE #3(C)

Defendant #16:

Dr. Baddick at, SCI-MaHanoy State Prison, ["Head Doctor"], Employeed by, Well-Pass.

Current Job Title

Head/Lead Doctor sub-contracted by, Well-Pass at, SCI-MaHanoy Prison

Current Address

301 Morea Road, Frackville, Pa. 17932

Defendant #17:

Physician Assistant, ["P.A."] at, SCI-MaHanoy State Prison

Current Job Title

Physician Assistant at, SCI-MaHanoy State Prison

Current Address

301 Morea Road, Frackville, Pa. 17932

Defendant #18:

Physician Assistant, Mr. O'Brien at, SCI-MaHanoy

Current Job Title

Physician Assistant at, SCI-MaHanoy State Prison

Current Address

301 Morea Road, Frackville, Pa. 17932

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

On, October 21, 2019, I was escorted to the hole, i.e. ["RHU"], by: C/O's: Gavala & Deer; once we arrived in the RHU, I was ordered to go into cell #2; I tried explaining to these C/O's that I cannot go into this cell because there's another inmate already in the bottom bunk (as I have bottom bunk statues). The two C/O's told me if I do not go into the cell that I will receive a misconduct for refusing to obey a direct order; so I had no other option but to comply- [Continue on Sec. A(1)]:-----

B. On what date did the events giving rise to your claim(s) occur?

Starting on the [date] of, October 21, 2019, to present [date]; as the errors and violation(s) I suffered and am suffering are on going.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

As fully described aforewith III. STATEMENT OF FACT(S); Sub. Sec. A.; I listed complete FACT(S) of the case/event(s); my (3)-falls; the Person(s)/Defendant(s) involved; the date(s); the how; etc..
All [same] listed in Section A---verifying completion now here at Section C; I was VIOLATED against by "ALL" named Defendant(s) as listed on cover page in this Civil Action Complaint where I suffered severe injuries to my back; legs; feet; spine; a Broken IVC FILTER sitting in my Verna Caba; in which is life sustaining and can/will eventually kill me. My right(s) were violated as follow(s):
United States Eighth Amendment right pursuit to; "Cruel & Unusual Punishment(s)"; "Code of Ethics Violation(s); Medical Indifference"; American with Disability Act violation(s); Civil Right(s) Violation(s); Negligence and WANTON ACT to NOT only harm, but to prejudice and DENIAL adequate, proper and fair medical care/treatment(s)".

CONTINUATION FROM PG. #4 SEC. A; NOW SEC. A(1)

and enter into the cell with another inmate already in the bottom bunk that I'am medically approved to be in. That celly's name is; Noel Baustista. Upon my entering the cell---my new celly herein named was returning from the yard; once he was in the cell I explained to him that I am bottom bunk statues because I have an I.V.C. FILTER in the Vena Cave Vein and I cannot be on the top bunk, so inmate/my cell Baustista didn't believe me or that I had bottom bunk, so I called out to the C/O and asked him to please move one of us; thereof my celly, C/O Martin and C/O Torres said on; Thursday my cell mate Baustista will move to 17 cell, so all cell assignments will stay the same until then. Thus, I was forced to climb and sleep on the top bunk.

Before I commenced climbing on the top bunk I tried one more time pleading and requesting to speak to a higher up so that they can check my medical records and see I'am bottom bunk bottom tier statues; consequently, to no avail was I honored or granted remedy because when I spoke to the Sgt. on the 6 a.m. to 2 p.m. shift he simply told me to; "shut the f---up and stop pressing the call button because you are not moving". Subsequently, as the day proceeded shifts changed and second shift came on and they happened to bring me a new mattress; thereafter I was tired and worn out so I did the only thing I could do, I climbed up on the top bunk...as I fell asleep I awoke because the pill nurse had arrived and was calling out my name for my medication's; subsequently, as I was climbing down from the top bunk (which again I never should have been up there) I slipped falling back first on the cell table then rolling off the table hitting the seat finally landing on the cell floor head first---at that point I could not move anything; I was in severe pain. My celly mate inmate Baustista went to the cell door pleading to the nurse to please help my celly can't you see he just fell really hard...to no avail would the nurse assist me, in fact she said; "wait until I'am finished passing out pills and I'll be back". At that point, I was in such pain I was moaning so my cell mate pressed the cell's call button hysterical pleading for to the C/O on the other end of the speaker to please come and help my celly, [me]; to no avail not one C/O would come help me they said that they didn't believe that I fell. About 5 to 10 minutes had passed by and Lt. Taylor belligerently came to my cell door saying; "Hernandez get up or I'm going to spray you with mace and the f---ing cell". My cell mates response was why?! My cell mate pleaded with Lt. Taylor telling him that I fell really hard and that I am hurt and that you can ask the nurse she saw Hernandez fall.

Thereof Lt. Taylor went to the pill nurse to ask her that's when the nurse finally came back to help me. When the nurse attended to me in the cell I cannot fully recall what was said or actually done, it's a bit of a blur to me that's how much pain I was in. All I do remember though was going to the outside hospital as I was in that much pain from this fall. ["As a direct result of this fall as a means of remedy to SCI-MaHanoy's negligence from these RHU C/O's, Sgt.'s, Lt.'s, all Medical personal and Administration as a whole I suffered upon a WANTON act to cause harm, pain and suffering, malpractice along with pain and suffering with emotional anguish I'm requesting for all medical expenses for injuries to my now neck, back, & leg's; and for future sufferings, etc. to be awarded in full \$500,000 as compensation to my WANTON suffering, from being forced into a cell on top bunk when I was bottom bunk/tier statues and was ignored and denied such; then when I fell I was denied prompt treatment and care."][The bracketed section was my filing of an in-house Grievance that was filed; appealed and exhausted, attached as; Exhibit "A", recorded at: #831781"].

#4(A) SEC. A(1)

CONTINUATION FROM PG. #4, SEC. A(1), NOW SEC. A(2)

It is clear upon belief that this Facility at, MaHanoy will try evading fault by "NOT" investigating this tramatic incident. Subsequently, I had filed the aforewith grievance at, exhibit "A", on, October 24, 2019, thereafter I received a Rejection Notice Form from the Grievance Coordinator on, October 30, 2019, stating that; "Grievance based on different events 'must' be presented separately"; thereafter I appealed this grievance to Mason, i.e. ["named defendant"] which is Facility Manager's Appeal" on, November 1, 2019, stating; "I'am appealing this grievance rejection because the fact that these well established separate events are consistent to leading from one-event, i.e. ["all in same"], notwithstanding the fact at, Exhibit "A", grievance No. #831781 is in sequence of events that occurred from day one, i.e. ["sameday"] within (6)-hours". In that, let me explain to this Court how this all occurred; in which will show for the Court all the staff involved, from those named herein to the one's not named, but listed as, et. al. for future naming from; C/O's, Sgt.'s, Lt.'s, Nurses', PA.'s, Doctor's, Administration from Medical Director's, Medical Administration, to Facility Manager and Deputies'; the how, why and when of the event(s); "On November 1, 2019, I decided to separate the grievance based on different event(s), so I filed (2)-separate grievance's, SEE: [Exhibit "A(1)"] & [Exhibit "A(2)"]; thereafter I gave them to the C/O so he could place them in the grievance box. Following, I was released from the R.H.U. to population to, AB-Blk., cell #30, thereafter for whatever reason again I was moved to EB-Blk., cell #27--thereafter on, November 19, 2019, I received the Facility Manager's Grievance Response to, Exhibit "A"; T. Dalbaso stated; "I'am in response to your Grievance appeal, which you bring up concerns pertaining to the rejection of grievance #831781, at, Exhibit "A"; in your appeal you claim, "CRUEL & UNUSUAL PUNISHMENT", "PAIN & SUFFERING", "ANGUISH", "DEFINITION OF CHARACTER" and "INADEQUATE JOB TRAINING". Your initial grievance #831781 at, Exhibit "A" was rejected and you filed this appeal..however, the appeal does "NOT" contain reason(s) for appealing the initial review response/rejection; to include any grievance based reasons on separate event(s) 'must' be presented separately..based on this information, your appeal is "DENIED".

#4 SEC. A(2)

CONTINUATION FROM PG. #4, SEC. A(2), NOW SEC. A(3)

Thereafter I further appealed this erroneous denial in which to exhaust for Court before this Court; that appeal at, Exhibit "A" was a "FINAL GRIEVANCE APPEAL" to Central Office--I already was aware that the fix was in and that appeal would be denied; subsequently I was awaiting (2) other responses' for (2) separate grievance's I filed while in the R.H.U. about this grievance; and because I separated the issue(s), thus, I was waiting for the grievance officer's response; that response to date never arrived from those (2) grievance's, subsequently, when I filed them I never received the inmate gold-rod copy; in which was an "OBSTRUCTION OF JUSTICE" by D.O.C. official's which to block a Complaint. Thereafter having no other option to this denial of access to a grievance on, November 5, 2019, I filed a subsequent different complaint in regard to my medication(s) and a pillow; as I was in my cell waiting for a response to the (2) grievance's, i.e. ["which never arrived"] I sent a DC-135A, request to staff to Grievance Coordinator Ms. Hirman on, December 13, 2019; at the time I was housed on; EB-Blk. Cell #27. Thus, it's well (est)ablished while I was in the R.H.U. I filed (2) grievance's in which to date I have yet to receive a response. Both grievance's were written by me on, November 1, 2019, and placed in the grievance box in the R.H.U. / DYU/HD Unit. I finally was able to make a copy of the gold-rod, i.e. ["inmate grievance copy"] of "BOTH" grievance's which I had attached to a DC-135A, request to staff--where I pleaded with the grievance Coordinator to explain to me why neither one of my two grievance's have been answered. Thereafter Ms. Strenchock answered stating; "You appealed "BOTH" grievance's to the Facility Manager on, December 13, 2019; your responses' are not due til, January 7, 2020, Response's will be sent to you when completed, be patient and wait for responses'". On, January 13, 2020, I forwarded another DC-135A, request slip to Ms. Hirman, SEE: [Attached Exhibit "B"], Grievance Coordinator informing her again that, I placed (2) grievance's on, November 1, 2019, which I never received a response. Thereafter I received an inmate request slip response on, December 17, 2019, stating that; "I appealed those (2) grievance's on, December 13, 2019, which I did not do...I'am waiting on their responses'---which were due on, January 7, 2020. Thus, again it's well (est)ablished that my incident(s), my being harmed, hurt and injured clearly was being "HINDERED" and "BLOCKED" by Administration for assistance, help, relief and remedy.

#4 SEC. A(3)

CONTINUATION FROM PG. #4, SEC. A(3), NOW SEC. A(4)

F. Walter: Response---followed from (2) Grievance's:

"All Grievance's you sent have been entered and answered".

Following I sent another DC-135A Request Slip on, January 19, 2020; and Ms. Hirman Grievance Coordinator, SEE: ["Attached Exhibit 'C'"], consequently to "NO" avail, I received "NO" Response. Ironically, on, January 15, 2020, I received a "REJECTION FORM" for the (2) grievance's and a grievance No. #844907, at attached, SEE: ["Exhibit 'D'"]; stating; "the issue(s) presented on the (2) grievance's have been reviewed or is being addressed. Subsequently, that Response was inconsistent and literally a double edge sword so to speak. So following I appealed that response on, January 24, 2020, recorded at Grievance No. #844907, attached at, SEE: ["Exhibit 'D'"] to Facility Manager; thereafter I received a Response on, February 12, 2020 from; T. Delbaso Facility Manager at the time; stating; "I uphold the Facility Grievance Coordinator's decision to reject your initial grievance for the reason's, or uphold in part/deny in part; this response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) in the grievance and your appeal and relief sought.

Thereafter, the following RESPONSE came:

"I uphold the Facility Grievance Coordinator's decision to reject your initial grievance for the reasons stated on the grievance rejection form"; attachment 1-C which you received from Ms. Walter on, January 15, 2020...this matter was addressed in a particular grievance".

Again another defect by Administration to "BLOCK" and "OBSTRUCT" me from my grievance process for a WANION act to further harm me. Following that response I sent the grievance recorded at; #833373, SEE: [Attached Exhibit "E"] ["Grievance"] to Final Review; however, I didn't send all the paper work, so Central Office claimed they sent/stated in a letter dated to me January 21, 2020, which I never received; thus, on, May 20, 2020 I sent Central Office a letter, SEE: ["Attached Exhibit 'F'"] requesting what the outcome was of grievance #833373; stating; "I did not receive any response, let alone a letter Central alleged sending me on, January 21, 2020", consequently(,) "NO" officer or Security here gave me such a letter.

CONTINUATION FROM PG. #4, SEC. A(4), NOW SEC. A(5)

...Pursuit to the aforewith from the initial incident to trying to PLEAD for assistance, help and remedy through Administration I simply was and am being "BLOCKED", "HINDERED" and further violated upon by this D.O.C.'s SCI-MaHanoy's Official's, i.e. ["Defendant(s)"] as named hereinafter; in that, I ask the Court's indulgence for a moment as I return to the initial incident and thereafter in which will bring these violations and physical and emotional sufferings I endured and still currently do by way of Administrative "DENIALS" and even continuance harrassment by these same Defendant's and Official's as a whole at this SCI sitting; On that [date] of, October 21, 2019, it is well (est)ablished that I became a tragic victim in a severe accident that could have been prevented, but was not due to violations of my Constitutional right's.

The preventive measures were simply ignored to cause a WANTON act to cause me harm with prejudice; thus(,) further causing negligence by the Officer(s) in the R.H.U. DTU Unit from the (6:00 a.m. TO 2:00 p.m. shift); where I officially will begin here stating the [facts] that this is the exact reason why that day turned out so tragic for me as a victim at the hands of these named Defendant(s).

I had pleaded asking C/O Martin & C/O Torres to please move me or my celly due to my bottom bunk, bottom tier statues, as inmate Baustista was already assigned to that cell's bottom bunk and he was not willing to give it to me; in which could have ended in us getting into a physical altercation, but, being with this filter inside my body and not physically well I had to let it go. Thus, the reason I ended up on the top bunk in the first place---at the hands of incompetent Officer's, i.e. ["Defendant(s)"]; following I begged and pleaded to Sgt. Burger to please check my medical statues and it will clearly be seen that I am in fact ordered bottom bunk, bottom tier statues; consequently, to "NO" avail, Sgt. Burger told me to; "Shut the F---up and go to sleep, and that he wasn't moving me or anybody period; and that all cell assignments stay as is"!!!

Me and my celly at that time wasn't an option for us to work this out, so I was stuck and forced by Staff to climb on the top bunk. Following the med. line nurse had arrived to pass out med.'s in the R.H.U.; she woke me up by yelling my name for med.'s. I then tried to hop off the top bunk, i.e. ["in which I never again was suppose to be in or on"] while I was getting down my legs gave out on me and I fell really hard on the cell's metal table, once I hit the table I literally rolled off that table then hitting my head on the attached metal seat then hitting the hard concrete floor where I again hit my head

CONTINUATION FROM PG. #4, SEC. A(4), NOW SEC. A(6)

extremely hard and where I could only lay there injured in severe pain. As a direct result of the negligence, carelessness; as well as risking my safety, well-being along with pain and suffering thereafter I had pleaded in Complaints for an award in the amount of: [\$500,000] dollars and all medical bills to be paid in full by the D.O.C.'s. It truly is my belief that this D.O.C.'s particularity here at, SCI-MaHanoy's Administration will try to evade their fault, in which they clearly did in support of attached exhibit(s); in which demonstrate well their failure to fully and promptly investigate this matter from start to finish...I DEMANDED this again in multiple Complaint's to substantiate the record in which to now show the Court that I fear for any retaliation, which has already come about by denial's of requests slips to staff and Grievance Complaints and exhaustions of such. I further pleaded upon this Facility's Administration to be relocated to another Facility particularity SCI-Phoenix in which would be the next and closest D-Code prison, as I am also a D-Code.

B. List of Action(s) taken on Staff you have contacted, before Submitting this Grievance: i.e. ["this is the section on an in-house Grievance and [rep]resenting [t]he following forthwith:

I presented "ALL" the named Defendant's in this Civil Complaint and et. al, everyone else NOT or YET named, but will be in the future at Complaint as follows; Correctional Officer's, Sgt.'s, and Lt.'s erroneously "FAILED" to enforce and follow medical ORDER(S) of my bottom bunk Statues and bottom tier; and where the aforewith used profanity at me denying me the opportunity to explain/speak---along with placing my safety and liberties in immediate danger with another inmate at that. In particular Officer Torres and Officer Martin RHU Officer's along with RHU Sgt. Burger, in which these RHU staff failed to call medical to enforce and follow my bottom bunk/bottom tier statues which I simply was denied and placed into a call with another inmate who was already assigned to my bottom bunk, which was the start of all of this leading to my severe injury's; in which violated the Code of Ethics and Professionalism of these Officer's Code of Conduct and responsibilities to care, protect, custody and control of inmate's---as myself, thus, these Official's deficiently "FAILED" to call medical and act responsible, in which further violated D.O.C.'s Policies and procedures---as well as the United States Eight and Fourteenth Amendment[s].

CONTINUATION FROM PG. #4, SEC. A(4), NOW, SEC. A(7)

I like to assert to this Honorable Court here that, I have to reiterate some of the [same] incident(s) in order to explain more fully in detail so please excuse my indulgence. Pursuit to the aforewith "Statement of Fact(s)" the Court is well aware that on, October 21, 2019, I fell victim to the tragic accident---in which was in [fact] mishandled by this D.O.C.'s Facility's Medical Staff in their entire capacity, i.e. ["the named defendant's medical personal"]; inasmuch that their neglect merely left me paralyzed at best.

The situation begun because the Officer's named in the R.H.U. clearly "FAILED" to adequately and properly follow protocol and communicate my bottom tier bottom bunk statues that I told them I have to my celly in the R.H.U. inmate Baustista in which these Officer's hereinafter named literally forced me into an unsafe situation of forcing me to have to climb to the top bunk and as the med-line nurse arrived to pass out medication's in the R.H.U. I was forced to try and climb down and where I fell hitting the metal cell table, seat and concrete floor. Subsequently, as I assess the situation as I'am writing these facts to this Court, I realize I could not have avoided this situation and that my accident clearly fall's on the named Defendant(s) NOT me; I was and am still hurt and injured "BOTH" physically and emotionally. In which caused me to be completely at the time of this unnessary fall to be immobilized due to this fall.

As I was laying on the cell's cold concrete floor in severe pain the med-line nurse simply did nothing and left me laying there hurt and in severe sufferings at best. Her only statement to me as she was walking away was; "I'll be back after my med rounds"; even after she witnessed my fall; thereafter, she did return with the Lt., whom had asked her if I really fell, however, the only thing she did do right was state; "Yes, he fell". Then and only then after the fact did 'they' begin to assist me in the cell. I honestly don't remember what actually was done or said after that as I was in that much pain and my memory was faint at best. When I did however come to my senses I was literally in the hospital still unable to move for a couple of hours. The doctor there said; "it might have been shock". Subsequently, when I departed I was prescribed a walker. Thus, due to these facts, I DEMANDED in Grievances attached hereto as Exhibit(s) for an award in the amount of: [\$5000,000] with "ALL" medical bill's paid due to negligence by nurses',

Officer's, Sgt.'s, Lt.'s, Doctor's, Medical Director/Administrator, Facility Manager and Deputies' medical malpractice, Code of Ethics/Professionalism and defamation of character by "ALL" aforewith Parties', i.e. ["Defendant(s) Named", herein and after"] and [because] these Defendant(s) alleged that I had fabricated by accident(s)/Fall(s).

Last, but "NOT" least...my pain and suffering, including mental anguish.

B. List of Action(s) Taken and Staff You Contacted, Before Submitting This Grievance:

This is at the bottom of inhouse Grievances/Complaint(s) and where I stated the following forthwith and [rep]resenting:

The Lt. who threatened to spray me with mace; C/O whom failed to initially communicate and verify that I did in fact have bottom tier / bottom bunk Statues; The nurse whom failed to attend to me properly, and adequately when I fell and was stretched out on the cell floor; and the Doctor whom had prescribed me a walker for a minimum of six (6)-Month(s).

Consequently(,) as with all my aforewith listed/named Grievance(s) I filed and exhausted and added at the end of these fact(s) "ALL" were DENIED this one aforewith [dated] January 5, 2020. Subsequently(,) this [said] Grievance was in [fact] the one that nurse Alicia and Officer Rammer simply walked away from my cell door after I fell and was laid out on the cell floor injured and in severe pain and suffering---Nurse Alicia kept it moving on simply passing out medication's for other inmate's in the R.H.U. and simply did nothing to help or assist me promptly, adequately, let alone immediately after I fell. Also, Lt. Taylor wanted to just spray me with mace, i.e. ["Pepper Spray"].

Again, returning back to the [date] of, October 21, 2019 approximately at; 6:00 p.m. to 8:00 p.m. I clearly was the victim to an accident that could have been avoided by R.H.U. staff as named defendant(s) aforewith---this accident was with a WANTON ACT to harm and prejudice me simply where I was left immobilized in severe pain---an act outside the norms of Professionalism, Code of Ethics and [o]ur United States Eighth Amendment's; "Prohibition on Cruel & Unusual Punishment(s) and/or Treatment(s) period. Subsequently, after all these violations by said Defendant's later I had to be transported to the outside hospital due to this fall and where I was severely injured. When I was returned from the hospital back to this prison I was given a prescribed prescription of a;

CONTINUATION FROM PG. #4, SEC A(4), NOW SEC. A(9)

muscle relaxer and tylenal---as the muscle relaxer expired I was then "ONLY" afforded by this SCI Medical's Department's staff tylenal in which was because I have a "FILTER" in my body and the other generic pain medication they offered me here thinned my blood, hence the reason I cannot take that medication, yet, medical staff still willing prescribed it anyway and knowing I was suffering further harm to my well-being and body. Subsequently, from the day I fell to present my pain is unbearable!!! I seen and still see a Doctor or Doctor's here, but particularly the day of, November 2nd, to "NO AVAIL", because the doctor simply did nothing to relieve my suffering(s).

Thereafter on, November 4th, I saw PA. Jenna Williams at Medical here at the prison and she said to me that she will only prescribe tylenal again mind you; consequently, PA. Jenna Williams never put the orderes in for the tylenal, her excuse was; "I forgot", pure incompetency; approximately a week had surpassed before PA. Jenna Williams seen me last---and still to "NO AVAIL" [because] it was now, November 5th and still I was NOT receiving "ANYTHING" for my severe pain.

I was restless due to the pain, I was "BOTH" physically and mentally drained because of my severe pain. It is well (est)ablished that I was succumbed to a walker in which still hurted my back as I had to hunch down on the walker to try and walk. I was and still am having severe headach's and cramps on my neck because at the time this SCI here at McHoney "FAILED" to provide me with a pillow. As a direct result to this negligence caused upon me, medical malpractice, pain and suffering(s), mental/emotional anguish and defamation of character I asked to be AWARDED in grievances', etc., ["\$5000,000"] dollars as compensation and all medical bill's to be paid for the remainder of my life.

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(10)

D. List Action(s) Taken and Staff you have Contacted, Before Submitting this Grievance:

Subsequently(,) none and [because] of NO defect / default of my own; the Officer's at this particular incident had nothing to do with PA. Jenna Williams' and Medical Staff at issue at the time; it was "ALL" on Medical Personal for refusing me my pain medication(s), etc..

Hereof(,) I am upon the second 2nd fall I had and suffered from at the hand's of once again incompetent R.H.U. Officer's, etc.. This fall/accident due to NO default of my own had occurred on the [date] of, February 24, 2020, SEE: ["Grievance Attached to Support this issue/claim---recorded at, #853835"]; I filed this Grievance on, March 3, 2020 after again I fell in the shower in the R.H.U. on, (2/24/21).

In relation to my falling in the shower---a shower I never should have been placed in in the first place at it was "NOT" equipped for a Handicap/disabled person as I now was from my first fall in the cell---from the top bunk; the person(s) named as Defendant(s) also are: Gabala, Deer, Nurse Tina, and Nurse Jackie; i.e. ["these were the person(s) whom retrieved me out of the shower unlawfully and without adequate training or authority.

When I filed said Grievance it was preserved for Eighth Amendment violations as follows; "The unnecessary and wanton infliction to cause harm and pain"; inadequate medical care and deliberate indifference" claim. Subsequently(,) on the [date] of, February 24, 2020, Officer's Torres and Martin ["KNEW"] and/or ["Should have known"] of and blatant disregard ["ED"] an excessive risk to my health and/or safety inasmuch that a substantial risk of a serious harm existed to me by placing me in a non-handicap shower in the first place and Officer Torres and Martin escorted me to and in this shower while I was using my prescribed cane by medical/doctor's in which clearly was used to support to hold me up and assist me to walk.

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(11)

The cane in itself that Officer Torres and Martin's knowledge of the risk's inherent in this tragic situation that could and should have been avoided in the first place by C/O's Torres and Martin---they had knowledge and sight of my being handicapped in which clearly (est)ablishes "Deliberate Indifference".

In [fact] prison official's 'MUST' provide under the American's Disability's Act and the Constitution adequate facilities' and equipment for necessary medical care, i.e. ["Handicap shower"]. Thereinafter on the [date] of, February 24, 2020 at approximately 7:00-8:30 a.m. I was in fact escorted to Unit HD's regular shower NOT a handicap shower by Officer's Torres and Martin, I was utilizing my cane to assist supporting me in a regular shower, i.e. ["verification can be shown by HD-units POD Security footage"] upon placing me in a regular shower, shower #2 to be exact, I pleaded and literally begged him to please NOT to put me in this shower because it is "NOT" a handicap shower; Officer Torres stated; "do your best", I then asked agsin to please take me to another unit pod where I can use a handicap shower, clearly I was ignored. While in this regular shower I had reached for my wash rag which caused a severely sharp pain in my back, it was so sudden an unbearable that my back instantly gave out on me, in turn caused my leg's to give out from under me; I then took a hard fall backwards and hit my lower back on the step of the shower; this fall clearly could have been avoided if I was placed in a proper and adequate handicap shower, i.e. ["handicapped shower for the disabled"] where I would have had access to railings to hold on to and a bench to actually sit down on when washing my body. In my Grievance/Complaint I seeked Compensatory damages in the amount of: [\$600,000] dollars for pain & suffering, mental anguish and for reasons of Eighth Amendment violations of; inadequate medical care/treatment notwithstanding "Deliberate Indifference". I also requested "Punitive Damages" in the amount of: [\$400, 000] dollars for prison official's WANTON ACT with reckless indifference to my right's and ill will because of their desire to simply ignore or with malice by placing me in a non-handicap shower in the first place. I also requested that I be seen by a Back Specialist as there clearly is injury to my back; subsequently(,) this Grievance I filed while in the R.H.U. on, March 3, 2020 as the accident occurred on, February 24, 2020, I requested them "NOT" to place me in this non-handicap shower and I was simply ignored with a WANTON ACT to harm and prejudice my handicap needs by Officer's Torres and Martin.

c#4 SEC. A(11)

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(12)

I literally taken a hard fall backwards and was not taken to the hospital, the only thing these so called officials here had inadequately and unconstitutionally place/housed me after that fall in a POC cell, cell #9 in the Facility's infirmary; subsequently, before that, C/O Fear with C/O Gavala had without ANY Medical training removed me from the shower I fall in and was on the shower floor in laying hurt; one grabbing my hand and the other grabbing hold of my leg(s); all this can be verified by the Security video footage.

Nurse Jackie was also present with nurse Tina and these two nurses' failed ethically and professionally to say anything, let alone assist me who was severely injured due to this fall that so could have been avoided if these Officer's would have followed procedures in relation to my handicap and being in a non-handicap shower in the first place.

Furthermore(,) in relation to this these [same] Official's had also interfered with my inhouse Grievance/Complaint process and [because] on, the [date] of, April 1, 2020 I had in [fact] sent a DC-135A, Request to Staff Slip to Ms. Jerilynne Stewart pleading with her since this COVID 19 began I have been trying to make a copy of some of my, i.e. ["paper work"] that I have in relation to these violations/errors and Complaint---in which I initially had to send to, SCI-CampHill, i.e. ["Central Office"]. This Grievance/Complaint and/or Request to Staff Slip, DC-135A, is hereto also marked as Exhibit to substantiate my claim(s). SEE: [Attached Exhibit "H"].

Thereinafter on the [date] of, August 31, 2020, I had in [fact] filed another Grievance---recorded at: [#886638]; SEE: ["Attached Exhibit "I"].

The aforewith Grievance and complete exhaustion was [filed] by me [because] of the negligence, unprofessionalism and indifference I suffered by the Facility's Physician Assistant PA. O'Brien; where on, August 28, 2020 I was suffering with severe pain in my lower back and legs' "ALL" that morning I pleaded and begged C/O Cronin at the C/O's desk of this pain and further had complained to medical for this ongoing pain. I explained all this to C/ Cronin that if this pain continues I may need a medical stretcher to come for me; thereafter, I had telephoned my Sister and informed her of my severe pain. Thereafter while in my cell after second shift change...I had proceeded to urinate and my legs' gave out on me and I fell hitting the floor really hard. My needs had just buckled causing me to go down to the floor really hard I landed really hard on my tail bone and buttocks then went back against my cell's bunk. I yelled for C/O Dancho as he was making his security rounds and once I got his attention I

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(13)

explained to him how I fell and that I was in unbearable pain and need medical assistance now. Sgt. Martin came to my cell and I reiterated everything I already explained to the C/O Sgt. Martin told me that medical was on their way.

Thereafter Nurse Justin arrived and asked me if I could stand / walk, I told him; "NO", so he retrieved the wheel chair and pushed me outside of the unit and I was placed on the medical cart. Upon arriving at Medical R.N. Winnie saw me and I explained everything to her; specifically how this occurred; subsequently, this was the third fall I suffered upon. I explained to Nurse Winnie how my legs keep giving out on me and that they are very weak since my first fall---and so on. I even explained to her how sometimes I urinate on myself without knowing it. I explained to her the pain and sharp stabbing pain both in my back and leg's. When Nurse Winnie was finished she said that she will contact PA. O'Brien; upon O'Brien arrival he ignorantly with no ethics came out to retrieve me when he forcefully grabbed hold of my wheel chair and literally almost slammed me into his exam room/triage. PA. O'Brien further with crude disrespect yelled at me demanding me to stop playing games and get out of the wheel chair and hop up on the exam table; my response was; "I can't do to the severe pain I am in", he simply stated that; "if I don't get on the exam table now, that I'm getting the F---out of his exam/triage room"; again, I replied; "I just suffered an injury Sir, I'm in extreme pain and I was brought here for help---nothing is being done Sir and now your refusing/denying me medical treatment and care".

PA. O'Brien simply lost it for no reason except to cause me a WANTON ACT to harm with bias and prejudice; where he screamed and yelled at me at the top of his voice; he also tried with great force to take my cane from me, all the while causing more pain in my injuries. Upon this unconstitutional, unethical and unprofessionalism act in my Grievance I DEMANDED that PA. O'Brien be fired and that I be seen by an unbiased medical professional whom would diagnose and treat me adequately and properly I further DEMANDED the AWARD for these violation(s) in the amount of: [\$400,000] dollars for monetary damages.

Thereinafter I was seen by Dr. Baddick the medical director, i.e. ["Head-Doctor here"] about the extreme weakness in my legs', however, Dr. Baddick did absolutely nothing for me; following Dr. Baddick's complete medical diagnoses, care and treatment I sent multiple DC-135A, Request to Staff Slips to, Mr. John Steinhart, the Medical Administrator here pleading for medical accommodations;

PG. #4, SEC. A(13)

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(14)

specifically a wheel chair to assist with my now disability, i.e. ["injuries"] and because I really cannot stand or walk; i.e. ["can only stand for a bare minimum of; (10) minutes"], however, after this last fall is when I really needed the wheel chair and a handicap cell.

In [con]clusion at this Statement of Fact(s) hereinafter; I in closing need to respectfully reiterate in Brief from fall number #1, #2 and fall #3; as follows and [rep]resenting the following forthwith:

The first fall was on, October 21, 2021; where C/O's Gavala and Dear told me if I do not get in the cell I will receive a misconduct; this was the cell I was forced into to get on top bunk when I had/have bottom tier/bottom bunk medical Statues. Subsequently, C/ Martin had refused to communicate/check on my bottom tier/bottom bunk statues in which to verify and could/would have prevented my injuries'. Officer Torres the [same]; he refused to also call/verify with medical.

Sgt. Burger also refused to call medical for [same] verification of the facts; further Defendant(s) named and not named, but listed as; Et. Al are; C/O Long and C/O Javacoski; then there are Defendant(s) C/O Rammer and Nurse Alicia; these are the staff that left me laying injured on the cell floor after I fell from/off the top bunk; i.e. ["they saw me fall"].

Furthermore, inmate Bautista my cell mate in the RHU at the time is the person whom pressed the cell's inhouse call button for assistance/help for me. Then there's Lt. Taylor, the RHU Lt., he came to the cell after I fell and was laying on the cell floor injured and threatened me; telling me and my celly that if I refuse to get up that he will spray me with Pepper spray.

Following thereafter, Dr. Carney Rodger's was the medical director head doctor at the time and was the doctor whom had refused to adequately and properly treat me; subsequently, on my second fall Dr. Rogers refused to have me transported to the outside E.R.. I only had an X-ray and was placed/housed in the infirmery's FOC cell, cell #9.

PG. #4, SEC. A(14)_

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(15)

My second-fall took place on, February 24, 2020; where I was forced/placed in a non-handicap shower, i.e. ["when I was/am a handicapped inmate/individual"] by C/O Torres and C/O Martin while in the RHU/DIU, shower #2. I PLEADED and BEGGED these two C/O's to please not put me in this non-handicap shower; but these Officer's did NOT care and said, just get in the shower. Inmate Rigaberto Hernandez was present and is in [fact] a credible witness to this [fact] as I spoke/pleaded with these two C/O's in from of this witness he heard everything.

When I fell I was literally laying in fifth on the dirty shower floor, hurt in severe pain; my celly at the time Rigaberto Hernandez was in the shower next to me, shower #2, he observed how these Officer's Gavala and Dear after I fell pulled me aggressively at the shower, while I was hurt/injured in severe pain from the fall; these C/O's pulled my hands and legs; nurse Jackie was present and did nothing to prevent these C/O's from further harming/injuring me; also nurse Tina was present and also refused ethically to stop these two C/O's, let alone assist or help me...finally they roughly placed me in a wheel chair; i.e. ["the video security footage will verify all these facts"].

Furthermore(,) Lt. Matrey was present when these aforewith two C/O's pulled/ripped me from the shower floor where I fell and was laying injured.

Further named and not named Defendant(s) in my situation(s) are: Mr. John Steinhart, Medical Administrator; Dr. Baddick, Medical Director, i.e. ["Head Doctor"]; PA. Jenna Williams; PA. O'Brien, nurse(s) and the entire Medical Department Staff and personal for their unethical action(s) and inaction(s)---in direct violation of the United States Eighth Amendment and a Medical Indifference.

Also, listed as Defendant(s) are: Facility Manager Ms. D. Mason; Deputies' White and Staller/Steddler.

I [filed] the aforewith Grievance[s] marked as Exhibit(s) "A" THROUGH "I"; and the following Grievance(s) / Complaint(s) and DC-135A, Request to Staff Slip(s) listed as follows, and [rep]resenting:

(7/11/20)-Grievance #878122; (9/28/20)-Grievance #892194; (11/13/20)-Grievance #900322; (3/12/20)-Grievance #855485; (2/18/20)-Grievance #851289; (2/7/20)-

PG. #4, SEC. A(15)

CONTINUATION FROM, PG. #4, SEC. A(4), NOW SEC. A(16)

Grievance #849682;p (10/26/20)-Grievance #896122; (8/31/20)-Grievance #886638;
(9/7/20)-Grievance #888000; (10/13/20)-Grievance #894465.

Subsequently(,) thereafter on the [date] of, (1/27/21)-Grievance #912092 was
filed by me pursuant to; "M IVC Filter that was broken off inside the Vena Cava
due to the fall I suffered.

PG. #4, SEC. A(16)

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

I contend that I will be FILING in Support of this Civil Complaint, a Memorandum of Law/Brief to substantiate and legally support my claim(s); coming forthwith.

However(,) as stated at: III. SEC. "C"; my United States Constitutional Eighth Amendment right(s) were violated pursuant to; "CRUEL & UNUSUAL PUNISHMENT(S)"; Code of Ethics Violation(s); "MEDICAL PROFESSIONALISM violation(s)"; "Medical Indifference"; "Negligence"; "Americans with Disabilities Act Violation(s)"; "Civil Right's Violation(s)"; a "Wanton Act to Cause Harm with bias and prejudice"; "Denial of Adequate, proper, immediate and fair Medical service(s)/Treatment(s)" for injuries sustained---notwithstanding "Code of Professionalism for Correctional Officer's; Facility Manager; Deputies; and P.A.D.O.C.'s Staff as a whole involved directly or indirectly over Plaintiff's suffering(s) and violation(s) he suffered and incurred by the named Defendant(s) herein and after; Et. Al..

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

A broken IVC FILTER now broken due to the fall/accident caused by these incompetent; unprofessional Defendant(s) named now broken in my Vena Cava; an injured/hurt back; Spine; Leg(s); Feet; neuropathy damage to my nerve(s); severe headaches; nightmares; neck injury---and notwithstanding Physical pain and suffering(s); but also psychological sufferings; such as nightmares, bad dreams and where I am emotionally a wreck; and live in constant pain; wheel chair bound ONLY!!!

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I am seeking: Compensatory Damage(s), for the injurie(s) sustained and suffered; for my, i.e. ["Plaintiff's"] Fical Pain suffered upon daily. Furthermore(,) also for the "piece of metal" that is broken off lodged in my spine that cannot be repaired, fixed or corrected with surgery [because] they cannot operate on me; in which I have to live with this piece of; "METAL", i.e. ["foreign"] piece inside of me that causes daily pain and suffering---in which is HINDERING my "DAILY LIFE's FUNCTIONS"; as well as for; Physical and Emotional damage and sufferings; and any/all other relief the Court DEEMS necessary and appropriate.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Eugenio Hernandez

Signature of Plaintiff

Eugenio Andino-Hernandez, #NE-6500, Pro Se4

August-29-2021

Date

E X H I B I T [S]

(1). Inhouse Grievance; i.e. ["COMPLAINT"]; (2). Facility Manager's Grievance Appeal; (3). Final Grievance Appeal; (4). Inhouse DC-135A, Request To Staff Slip(s); etc.

E X H I B I T [s]

Eugenio Hernandez-Andino
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INMATE MAIL
PA DEPT OF CORRECTIONS



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